

# United States District Court

WESTERN DISTRICT OF WASHINGTON

DENNIS R. HOPKINS

JUDGMENT IN A CIVIL CASE

v.

STATE OF WASHINGTON et al.,

CASE NUMBER: C09-5105 RJB-KLS

\_\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

  X   **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

1. The Court adopts the Report and Recommendation (Dkt. 8), with the exception that this dismissal should not count as a strike under 28 U.S.C. § 1915(g) because plaintiff is not a prisoner;
2. Plaintiff's request in Dkt. 9 (1) that the court order mental health records and certain court records to be expunged; and (2) that the court order that plaintiff be immediately released from Western State Hospital, do not cure the deficiencies in the complaint and are not properly before the court;
3. This action is **DISMISSED** without prejudice prior to service for failure to state a claim.

\_\_\_\_\_  
June 9, 2009

\_\_\_\_\_  
BRUCE RIFKIN  
Clerk

\_\_\_\_\_  
*/s/ Jennie L. Patton*  
Deputy Clerk